United Nations E/2006/9/Add.11

Economic and Social Council

Distr.: General
1 March 2006

Original: English

Resumed organizational session for 2006
10 and 11 May 2006
Agenda item 4
Elections, nominations, confirmations and appointments

Election of five members of the International Narcotics Control Board from among candidates nominated by Governments

Note by the Secretary-General

Addendum

1. The present note contains information on candidates for the International Narcotics Control Board nominated by Governments; information on candidates nominated by the World Health Organization (WHO) is contained in document E/2006/9/Add.13.

2. In accordance with established procedure, the Secretary-General, in a note dated 25 October 2005, invited States Members of the United Nations and parties to the Single Convention on Narcotic Drugs of 1961,[1] as amended by the 1972 Protocol,[2] that were not members of the United Nations to propose candidates with a view to filling the five posts that become vacant on 2 March 2007 on the expiration of the term of office of five members of the International Narcotics Control Board who were originally nominated by Governments. The five posts are currently occupied by Madan Mohan Bhatnagar (India), Gilberto Gerra (Italy), Melvyn Levitsky (United States of America), Robert Lousberg (Netherlands) and Rainer Wolfgang Schmid (Austria).

3. As at 15 February 2006, 17 candidates had been proposed by Governments. Their names are given below in alphabetical order:

Candidate	*Proposed by*
Elisaldo Luiz de Araújo **Carlini**[3]	Brazil
Ximena Augusta **Chiriboga Pazmiño**	Ecuador
Miguel G. **Coronel**	Philippines
Gilberto **Gerra**	Italy
Hamid **Ghodse**[4]	Iran (Islamic Republic of)

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Mohammed Nizar **Hemedan**	Syrian Arabic Republic
Carola **Lander**	Germany
Miklós **Lévay**	Hungary
Melvyn **Levitsky**	United States of America
Robert **Lousberg**	Netherlands
María Elena **Medina-Mora Icaza**	Mexico
Sabah **Sadik**	Iraq
Tayseer **Shubat**	Syrian Arabic Republic
Rama Kant **Tewari**	India
María Soledad **Weinstein Menchaca**	Chile
Raymond **Yans**	Belgium
Xin **Yu**	China

4. The biographical information that the Governments transmitted with their communications proposing the candidates is contained in document E/2006/9/Add.12.

5. It should be noted that no statement of impartiality has been received by the Secretariat from the candidate nominated by Iraq.

6. In accordance with article 9, paragraph 2, of the Single Convention on Narcotic Drugs of 1961, as amended by the 1972 Protocol, members of the Board shall not hold positions or engage in any activity that would be liable to impair their impartiality in the exercise of their functions. The positions and activities of the following persons are, in particular, incompatible with membership of the Board: persons who hold government posts, are in the paid service of their Governments or are acting under instructions from their Governments; persons who represent a Government at national or international forums on drug-related issues; and persons who are engaged in any activity, whether private or public, that could be likely to impair their impartiality in the exercise of their functions on the Board or that is in conflict with the functions of the Board.

7. Information on meetings of the Board in 2005, on payments made to members and on the present membership is contained in annex I below; the texts of articles 9 (Composition and functions of the Board) and 10 (Terms of office and remuneration of members of the Board) of the Single Convention on Narcotic Drugs of 1961, as amended by the 1972 Protocol, are reproduced in annex II; information on qualifications and other conditions of membership in the Board appears in annex III; and a list of the States parties to the Single Convention, the 1972 Protocol, the Convention on Psychotropic Substances of 1971[5] and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,[6] is given in annex IV.

Notes

[1] United Nations, *Treaty Series*, vol. 520, No. 7515.

[2] Ibid., vol. 976, No. 14152.

[3] Nominated by WHO and Brazil.

[4] Nominated by WHO and the Islamic Republic of Iran.

[5] Ibid., vol. 1019, No. 14956.

[6] See *Official Records of the United Nations Conference for the Adoption of a Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Vienna, 25 November-20 December 1988*, vol. I (United Nations publication, Sales No. E.94.XI.5).

Annex I

Number, length and place of meetings, payments and present membership of the International Narcotics Control Board

1. In accordance with article 11, paragraph 2, of the Single Convention on Narcotic Drugs of 1961, the Board shall meet as often as, in its opinion, may be necessary for the proper discharge of its functions, but shall hold at least two sessions in each calendar year.

2. The duration of each session ranges from one to three weeks. In 2005 the following sessions were held:

Eighty-second session: 31 January to 4 February 2005
Eighty-third session: 2 to 13 May 2005
Eighty-fourth session: 1 to 18 November 2005

3. The sessions are normally held at the headquarters of the Board's secretariat in Vienna (Vienna International Centre).

4. In accordance with General Assembly resolution 2491 (XXIII) of 21 December 1968, the members of the Board receive a per diem allowance while participating in Board sessions or in official missions. As from May 2005, this allowance in Vienna is $365 a day. Members' travelling expenses are defrayed by the United Nations in accordance with current administrative practice.

5. In accordance with General Assembly resolution 56/272 of 27 March 2002, members of the Board receive an honorarium of $1 per year.

6. The present members of the International Narcotics Control Board, with mandates expiring on 1 March of the year indicated, are as follows:

Joseph Bediako **Asare** (2010)
Sevil **Atasoy** (2010)
Madan Mohan **Bhatnagar** (2007)
Elisaldo Luiz de Araújo **Carlini** (2007)[a]
Tatyana Borisovna **Dmitrieva** (2010)
Philip O. **Emafo** (2010)[a]
Gilberto **Gerra** (2007)
Hamid **Ghodse** (2007)[a]
Melvyn **Levitsky** (2007)
Robert **Lousberg** (2007)
Rainer Wolfgang **Schmid** (2007)
Camilo **Uribe Granja** (2010)
Brian **Watters** (2010)

[a] Members elected from among candidates submitted by the World Health Organization.

Annex II

A. Extracts from the Single Convention on Narcotic Drugs of 1961, as amended by the 1972 Protocol

Article 9
Composition and functions of the Board

1. The Board shall consist of thirteen members to be elected by the Council as follows:

(a) Three members with medical, pharmacological or pharmaceutical experience from a list of at least five persons nominated by the World Health Organization; and

(b) Ten members from a list of persons nominated by the Members of the United Nations and by Parties which are not Members of the United Nations.

2. Members of the Board shall be persons who, by their competence, impartiality and disinterestedness, will command general confidence. During their term of office they shall not hold any position or engage in any activity which would be liable to impair their impartiality in the exercise of their functions. The Council shall, in consultation with the Board, make all arrangements necessary to ensure the full technical independence of the Board in carrying out its functions.

3. The Council, with due regard to the principle of equitable geographic representation, shall give consideration to the importance of including on the Board, in equitable proportion, persons possessing a knowledge of the drug situation in the producing, manufacturing and consuming countries, and connected with such countries.

4. The Board, in cooperation with Governments, and subject to the terms of this Convention, shall endeavour to limit the cultivation, production, manufacture and use of drugs to an adequate amount required for medical and scientific purposes, to ensure their availability for such purposes and to prevent illicit cultivation, production and manufacture of, and illicit trafficking in and use of, drugs.

5. All measures taken by the Board under this Convention shall be those most consistent with the intent to further the cooperation of Governments with the Board and to provide the mechanism for a continuing dialogue between Governments and the Board which will lend assistance to and facilitate effective national action to attain the aims of this Convention.

Article 10
Terms of office and remuneration of members of the Board

1. The members of the Board shall serve for a period of five years, and may be re-elected.

2. The term of office of each member of the Board shall end on the eve of the first meeting of the Board which his successor shall be entitled to attend.

3. A member of the Board who has failed to attend three consecutive sessions shall be deemed to have resigned.

4. The Council, on the recommendation of the Board, may dismiss a member of the Board who has ceased to fulfil the conditions required for membership by paragraph 2 of article 9. Such recommendation shall be made by an affirmative vote of nine members of the Board.

5. Where a vacancy occurs on the Board during the term of office of a member, the Council shall fill such vacancy as soon as possible and in accordance with the applicable provisions of article 9, by electing another member for the remainder of the term.

6. The members of the Board shall receive an adequate remuneration as determined by the General Assembly.

B. Extracts from the 1972 Protocol amending the Single Convention on Narcotic Drugs of 1961

Article 20
Transitional provisions

1. The functions of the International Narcotics Control Board provided for in the amendments contained in this Protocol shall, as from the date of the coming into force of this Protocol pursuant to paragraph 1 of article 18 above, be performed by the Board as constituted by the unamended Single Convention.

2. The Economic and Social Council shall fix the date on which the Board as constituted under the amendments contained in this Protocol shall enter upon its duties. As from that date the Board as so constituted shall, with respect to those Parties to the unamended Single Convention and to those Parties to the treaties enumerated in article 44 thereof which are not Parties to this Protocol, undertake the functions of the Board as constituted under the unamended Single Convention.

3. Of the members elected at the first election after the increase in the membership of the Board from eleven to thirteen members the terms of six members shall expire at the end of three years and the terms of the other seven members shall expire at the end of five years.

4. The members of the Board whose terms are to expire at the end of the above-mentioned initial period of three years shall be chosen by lot to be drawn by the Secretary-General immediately after the first election has been completed.

Annex III

Extracts from the note by the Secretary-General[a] on the procedure for the election of members of the International Narcotics Control Board under the Single Convention on Narcotic Drugs of 1961[b]

Qualifications and other conditions regarding membership of the International Narcotics Control Board

...

7. The Council may wish to invite the attention of the Governments concerned and the World Health Organization (WHO) to the following points in nominating suitable persons for election to membership of the INCB. These points are drafted on the basis of articles 9 and 10 of the Single Convention on Narcotic Drugs, 1961, and those provisions of the memorandum by the Commission on Narcotic Drugs on the procedure to be followed in making appointments to the Permanent Central Narcotics Board (PCNB), as approved by the Economic and Social Council in its resolutions 49 (IV) of 28 March 1947 and 123 D (VI) of 2 March 1948 which might be considered applicable to membership of the INCB.

Candidates nominated by Governments

8. Governments should satisfy themselves that each candidate proposed fulfils the conditions laid down in article 9 of the 1961 Convention, and that in particular he has a wide and deep knowledge or experience of the drug situation. It is not essential, however, that the candidates so nominated be technically qualified as medical doctors, chemists or pharmacists, as the INCB will always have at its command the benefit of such qualifications, thanks to the presence of its scientific members nominated by WHO. It is, however, highly desirable that the candidates nominated by Governments possess a good knowledge of national and international narcotics administration.[c]

9. According to article 9, paragraph 2, of the 1961 Convention, during their term of office members of the INCB shall not hold any position or engage in any activity which would be liable to impair their impartiality in the exercise of their functions. Since this requirement of the 1961 Convention seems to cover, though not to be limited to, the analogous provision in article 19 of the 1925 Convention prohibiting members of the PCNB from holding any office which puts them in a position of direct dependence on their Government, the opinion of the Commission on Narcotic Drugs with regard to the meaning of article 19 of the 1925 Convention as endorsed by the Council in operative paragraph (a) of its resolution 123 D (VI) might be considered germane to the issue. In consequence, it is essential that a person who, at the time of election, was in a position of direct dependence on his Government should, following his appointment, not hold such a position while he will be sitting on the INCB. Thus, it would be possible for the Council to appoint to the INCB an official in active service with his Government, provided that (i) following his appointment he ceases temporarily, i.e. for the duration of his membership of the INCB, to exercise such active service (by being granted leave of absence, for

instance), and (ii) while exercising his powers and functions as a member of the INCB, he does not act under the instructions of his Government. Attention is drawn particularly to the requirement of the Convention excluding from membership of the Board all persons who hold any position or engage in any activity which would be liable to impair their impartiality in the exercise of their functions.

10. In the case of elections to the PCNB, the Council has considered that it may appoint a judge, a university professor, a medical practitioner, a lawyer, or specialists of other professions, without requiring that the person appointed give up his position or cease to exercise his profession while serving on the Board.

11. When Governments nominate, and the Council elects, members of the INCB, it is suggested that they take due account of the disqualification arising from the holding of any position or the engaging in any activity liable to impair their impartiality in the exercise of their functions. Such position or activity held or engaged in by the candidate at the time the nomination is made should be fully indicated in the curriculum vitae. A candidate who holds such a disqualifying post or engages in such activity at the time he is nominated should explicitly state his intention to resign or to take leave of absence for the duration of his membership in the INCB if elected.

12. It is essential that candidates to the INCB should be willing and able to attend its sessions regularly. Governments should receive assurance from their nominees to this effect, and they should specifically state that to the best of their knowledge their nominees will normally be able so to attend all the sessions. It is further necessary that members should acquaint themselves with the history of narcotics control, the work of the international control organs, and the international narcotics treaties. The candidates should also be informed by their respective Governments of the nature and general conditions of the appointment.

13. When making nominations, a Government is not bound to nominate its own nationals; it may, if it thinks fit, propose a national of another country.

Candidates nominated by WHO

14. WHO should nominate candidates who should enjoy a reputation in the medical, pharmacological or pharmaceutical worlds. They should be impartial and disinterested and, during their term of office, should not hold any office or engage in any activity that might prejudice their impartiality in the exercise of their functions. The same conditions applying to Government nominees, and listed in paragraphs 9 to 11 above, would apply to WHO nominees. It is also desirable that the candidates nominated by WHO should have a sound knowledge of international and national drug control administrations and should acquaint themselves with the history of drug control, the work of the international drug control organs, and the international drug control treaties. In making the nominations, WHO will also take into account the principle of equitable geographic distribution and the need for members of the INCB to be familiar with the drug situation in the different groups of countries and to be connected with such countries.

Other considerations for the Council

15. In electing candidates, consideration should be given by the Council to equitable geographic distribution and to the importance of including on the INCB, in equitable proportion, persons possessing a sound knowledge of the drug situation in the producing, manufacturing and consuming countries and connected with such countries.

Notes

[a] E/4158/Rev.1.

[b] Since the 1972 Protocol amending the Single Convention on Narcotic Drugs of 1961 did not bring any changes with regard to the qualifications and other conditions regarding membership of the International Narcotics Control Board, as based on the unamended articles 9 and 10 of the Single Convention, the contents of the document reproduced here are still valid.

[c] In the invitations sent to Governments for nomination of candidates, the importance of nomination of persons with the highest qualifications in such other relevant areas as law, law enforcement, administration, diplomacy, economics and the social sciences is stressed.

Annex IV

United Nations International Drug Control Programme: status of treaty adherence as at 1 February 2006

Single Convention on Narcotic Drugs of 1961 and that Convention as amended by the 1972 Protocol

The following 182 States are parties to the Single Convention on Narcotic Drugs of 1961[a] (in italics) or are parties to that Convention as amended by the 1972 Protocol:

Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Central African Republic, *Chad*, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Holy See, Honduras, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Iran (Islamic Republic of), Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, *Lao People's Democratic Republic*, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, *Nicaragua*, Niger, Nigeria, Norway, Oman, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia and Montenegro, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia and Zimbabwe.

Convention on Psychotropic Substances of 1971

The following 179 States are parties to the Convention on Psychotropic Substances of 1971:[b]

Afghanistan, Algeria, Albania, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Holy See, Honduras, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Iran (Islamic Republic of), Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia and Montenegro, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia and Zimbabwe.

United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988

The following 178 States and the European Community are parties to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988:[c]

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Cook Islands, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican

Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Gre Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hun Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, La Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Lithuania, Luxemb Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Maur Mexico, Micronesia (Federated States of), Monaco, Mongolia, Mor Mozambique, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, N Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philipp Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Rom Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vi and the Grenadines, Samoa, San Marino, Sao Tome and Principe, S Arabia, Senegal, Serbia and Montenegro, Seychelles, Sierra Leone, Singa Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Surin Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thai the former Yugoslav Republic of Macedonia, Togo, Tonga, Trinidad Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Emirates, United Kingdom of Great Britain and Northern Ireland,[d] U Republic of Tanzania, United States of America, Uruguay, Uzbek Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia Zimbabwe. In addition, on 31 December 1990, the European Comm deposited its instrument of formal confirmation to the 1988 Convention (e of competence: article 12).

Notes

[a] Entry into force: 13 December 1964.

[b] Entry into force: 16 August 1976.

[c] Entry into force: 11 November 1990.

[d] The United Kingdom has extended the application of the 1988 Convention to the Isle of Ma with effect from 2 December 1993 and to Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Montserrat and the Turks and Caicos Islands with effect from 8 February The United Kingdom has also extended the application of the Convention to the Bailiwick Jersey-with effect from 7 July 1997 and to Guernsey with effect from 3 April 2002.